

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA :
v. : Case No. 5:08-cr-40 (HL)
BROOKS E. BLITCH, III, :
BERRIEN L. SUTTON, :
LISA SUTTON, :
HAYWARD COLLIER, and :
GEORGE BESSONETTE, :
Defendants. :

ORDER

The trial of this case, presently scheduled to begin at 9:30 a.m. on Monday, October 20, 2008, is hereby continued as to all Defendants until further order of this Court. The Pre-Trial Conference, presently scheduled to begin at 9:30 a.m. on Wednesday, October 8, 2008, is also continued until further order. The Court continues this case at the request of four Defendants, Brooks E. Blitch, III, Lisa Sutton, Hayward Collier, and George Bessonette, and the Government, as presented in their Joint Motion for Continuance (Doc. 164), and over any objection interposed by counsel for Defendant Berrien Sutton, who has not joined in the request for a continuance.

With respect to the need for a continuance, the Court notes the following: At present there are 23 motions pending in this case, 10 of which have been filed on behalf of the nonconsenting Defendant, Berrien Sutton. Many of these motions are complex, and may require the scheduling of evidentiary hearings before any rulings can be made. In addition, counsel for Defendant Lisa Sutton is currently involved in a criminal trial that began on

September 22, 2008, and is expected to last through the month of October. Furthermore, the Public Defender's Office, which represents Defendant Hayward Collier, and which has previously moved jointly with the Government for continuance of this case (Doc. 145), presently has 8 other cases on the trial calendar for the week of October 20, 2008. At present, in addition to this case, there are 12 other cases scheduled for trial during the October 20, 2008, term of court.

In view of the number and nature of the motions pending, the heavy demands of trial counsel who are involved, which might hinder the ability of counsel to prepare for trial, the number of cases already scheduled for trial during the October term of court, and the complex nature of the case, the Court is of the opinion that a continuance is warranted. The Joint Motions for Continuance are granted (Docs. 145 and 164). Defendant Collier's request for an extension of time to October 16, 2008, to file motions is also granted. The Court finds that the ends of justice served by continuing the case outweigh the best interest of the public and the Defendants in a speedy trial, and the period of delay occasioned by this Order shall be excluded from computations of time required by the Speedy Trial Act. 18 U.S.C.A. §§ 3161 to 3174 (West 2000 & Supp. 2008). The Court anticipates that this case will be scheduled for trial early in 2009.

SO ORDERED, this the 3rd day of October, 2008.

s/ Hugh Lawson
HUGH LAWSON, JUDGE

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